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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,104	08/22/2001	Natalie Bryant	007051.P008	9322
<div>7590      02/01/2007 Stephen M. De Klerk Blakely, Sokoloff, Taylor, &amp; Zafman LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025</div>			<div>EXAMINER SHAH, MILAP</div> <div>ART UNIT      PAPER NUMBER 3714</div>	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/01/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/935,104

Applicant(s)

BRYANT, NATALIE

Examiner

Milap Shah

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to the Appeal Brief*

This action is in response to the Appeal Brief filed on November 1, 2006 in which the applicant argues the rejections to claims 1-8. Claims 1-8 are currently pending.

Applicant's arguments, see pages 5-10, filed November 1, 2006, with respect to the rejection of claims 1-8 are rejected under U.S.C. 103(a) as being unpatentable over Slot Machines A Pictorial Review – 1973 Bally “Circus” have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Yoseloff et al. (U.S. Patent No. 5,423,539) & Nagao (U.S. Patent No. 5,423,539).

Applicant's request for reconsideration of the finality of the rejection of the last office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff et al. (U.S. Patent No. 6,471,208) in view of Nagao (U.S. Patent No. 5,423,539).

**Claims 1 & 6-8:** Yoseloff et al. disclose the invention substantially as claimed including:

a display means (figure 2); and

a game control means arranged to control images display on the display means, the game control means being arranged to play a spinning reel game wherein at least one random event is

caused to be displayed on the display means, and if a predefined winning event occurs, the machine awards a prize (abstract & column 3, lines 59-65), wherein the display means displays a plurality of spinning reels, each reel carrying symbols from a set of symbols, one of the symbols of the set of being a special symbol (column 4, lines 36-59).

Yoseloff et al. explicitly lack disclosing any specific arrangement of scatter or special symbols on the reels used by their gaming device, and more specifically, lack disclosing that “in respect of at least one of the reels, the set comprising a plurality of the special symbols, the positions of at least certain of the special symbols on the at least one reel being separated from each other on the reel by no more than one other symbol position, so that, when more than one of the special symbols of the at least one reel are displayed simultaneously with special symbols on any of the other reels when the reels are in rest condition, all of the displayed special symbols contribute to a single paying combination of the special symbols.” Yoseloff et al., however, do disclose that a “scatter pay” feature pays for the occurrence of at least 3 “special symbols” anywhere on the 5x3 matrix of symbols displayed by their gaming machine, thus, providing for the possibility that a single reel is capable of having more than one scatter symbol, if the designer of the gaming device desires such an arrangement. Nagao teaches various reel strips useable in a slot or gaming machine. In figure 6A, at least on “Reel 2” and “Reel 3”, the occurrence of the “1 BAR” symbol appears to be “separated from each other on the reel by no more than one other symbol position”.

In the instant application, the applicant refers to specific symbols located on a reel strip as a “scatter symbol” or a “special symbol”. The Examiner interprets this as mere intended use, since the scatter symbol or special symbol is just another indicia on the reel strip similar to any other indicia on the reel strip, as seen in applicant’s figure 3. The labeling of these symbols as scatter or

special symbols is only necessary for the pay table and for how awards are issued, such as when three of these scatter or special symbols appear anywhere on the reels. Yoseloff et al. disclose such a feature as described above, and thus, the only remaining difference between Yoseloff and the instant claims, appears to be the arrangement of indicia on a reel strip. However, as described above, Nagao discloses such an arrangement, in which the “1 BAR” symbol is easily replaceable by any other symbol to be referred to as a special symbol if so desired. Even in it’s current state, the reel strips of Nagao can be implemented on the gaming machine of Yoseloff et al., where the “1 BAR” symbol may be labeled as the special symbol, thus, there is the possibility of two “1 BAR” symbols on a single reel along with at least one other “1 BAR” [special] symbol on one of the other reels being displayed simultaneously (at rest condition). Additionally, there is the possibility of having more special or scatter symbols displayed than there are reels, at least for the reasons that Nagao discloses having at least 10 “1 BAR” symbols across the three reels, thus, even when implementing these reels on a 5 reel gaming machine, there is always the possibility that more special symbols will be displayed than there are reels (for at least claims 7 & 8).

Motivation to implement the reel strips of Nagao on the gaming machine of Yoseloff et al. comes from the simple concept that players of slot machines or gaming machines are more geared towards playing and continually playing gaming machines which provide for higher frequency and probability that a bonus award is going to be obtained. Thus, having a reel strip with more than one “special symbol” or “scatter symbol” in gaming machine of Yoseloff et al., provides a greater chance that a bonus round will be initiated, since the bonus rounds are initiated based upon a minimum number of “special symbols” that appear anywhere on the screen, along with desire to obtain a bonus game having an increased number of rounds, since Yoseloff et al. also disclose that the number of “special symbols” appearing anywhere on the screen determines the number of

bonus rounds in the bonus game (column 3, line 66 – column 4, line 2 & column 4, lines 42-45, where “trigger symbols” are special or scatter symbols).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Yoseloff et al. as taught by Nagao in order to provide a gaming machine that has an increased probability that a player will obtain “scatter” or “special” symbols and hence an award for scatter symbol combinations (i.e. at least three anywhere on the screen), making the gaming machine highly desirable to players.

**Claim 2:** Yoseloff et al. disclose the display means may be a video display unit, which would display simulated reels (column 3, lines 59-61).

**Claims 3-5:** As discussed above, the implementation of Nagao’s reel strips into the gaming machine of Yoseloff et al. results in each of the reels having at least 2 occurrences of the “1 BAR” symbol. There is also at least one reel having 4 occurrences of the “1 BAR” symbol (figure 6A). Thus, it would be a mere design consideration by a game designer as to the number of certain symbols and their arrangement on the reel strip. Therefore, it would have been an obvious design consideration to a game designer at the time of the invention to design a reel for Yoseloff et al. or use Nagao’s reels as described above so that each reel would incorporate more than one occurrence of a scatter symbol (claim 3), at least two scatter symbols (claim 4), or an arrangement in which up to three scatter symbols are able to be displayed together at any one time (i.e. displaying two satisfies the “up to 3” requirement) as taught by Nagao. The various implementations of more and more scatter symbols provides an additional increase in the probability that a higher total number of scatter or special symbols will be displayed on the reels, which is highly desirable to players.

*Response to Arguments*

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MB.S.



**SCOTT JONES**  
**PRIMARY EXAMINER**